

Land and Water Management Division

Compliance and Enforcement Program



LWMD Compliance and Enforcement Program Goals and Objectives

- **Provide consistent and timely responses to citizen environmental complaints involving LWMD regulatory programs.**
- **Establish uniform procedures for the tracking, investigation and evaluation of environmental complaints involving LWMD regulatory programs.**
- **Ensure that LWMD enforcement actions are appropriate, responsive and consistent with enforcement actions taken on like or similar violations within a cooperative and non-confrontational manner.**
- **Where feasible ensure that environmental impacts resulting from violations are remediated to the extent possible and that no potential economic advantage or benefit is gained through non-compliant activities.**
- **Provide an enforcement program that seeks voluntary compliance but provides a progressive enforcement program with the goal being to achieve compliance with regulatory requirements and which will also serve as a deterrent to future non-compliant activities.**

LWMD Compliance and Enforcement Guidance Manual

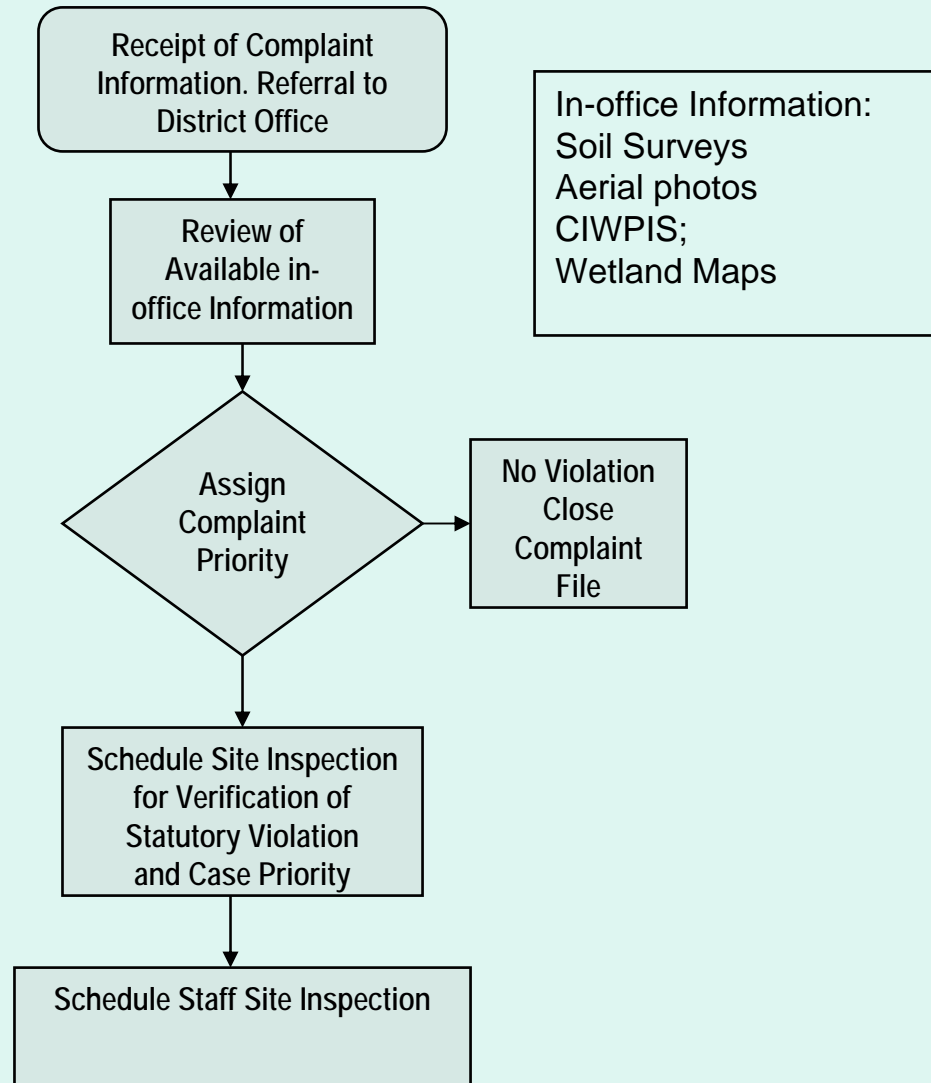
- **Standardized LWMD Complaint Tracking and Complaint Evaluation and Information Sources.**
- **Guidance Information for Conducting and Documenting Inspections and Evaluating Suspected Violations.**
- **Model Documents for Notices of Violation to Property Owners and Contractors for Statewide Consistency.**
- **Descriptions and Explanation for the Selection of Enforcement Responses to identified Violations.**
- **Explanation of Escalated Enforcement Options, including Model Settlement Documents and Case Referral Documents.**
- **Standardized Methods for the Determining Penalties for Unresolved Violations.**
- **Information on Trial Procedures and Providing Expert Testimony.**

Complaint Receipt and Evaluation

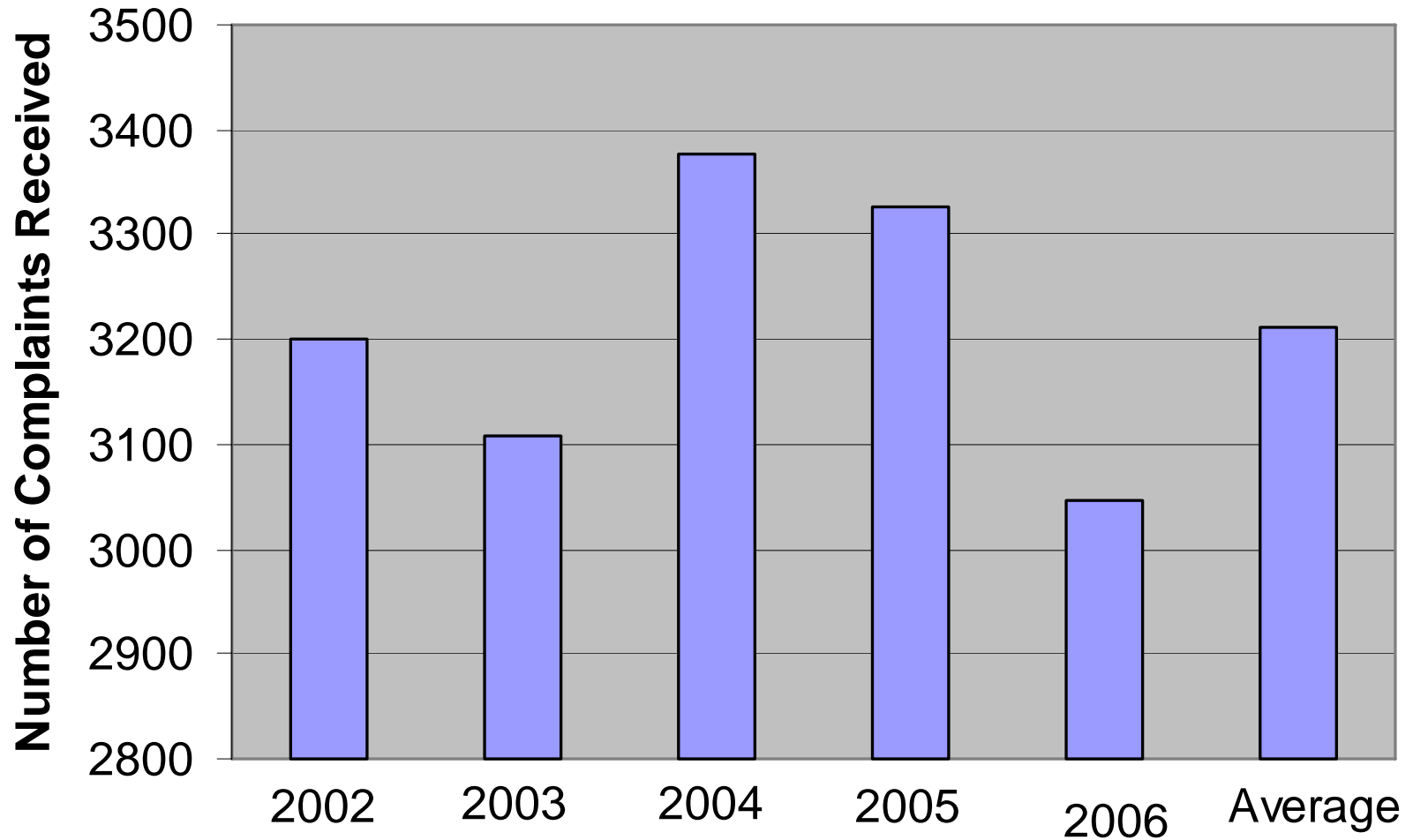
Complaints of potential violations are received at the Lansing and district offices and assigned to district permitting staff. The information received and existing in-office information is evaluated and staff assign a priority for complaint inspection and enforcement follow-up.

Complaint Priorities:

Very High: Significant and potentially severe resource impacts public safety concerns.
High: Extensive resource impacts that exceed minor project categories.
Moderate: Resource impacts of moderate level.
Low: Minor resource impacts that do not exceed minor project categories.
Not a Priority: Not regulated or minimal resource impacts.



LWMD Complaints Received 2002 - 2006

















04/24/2006



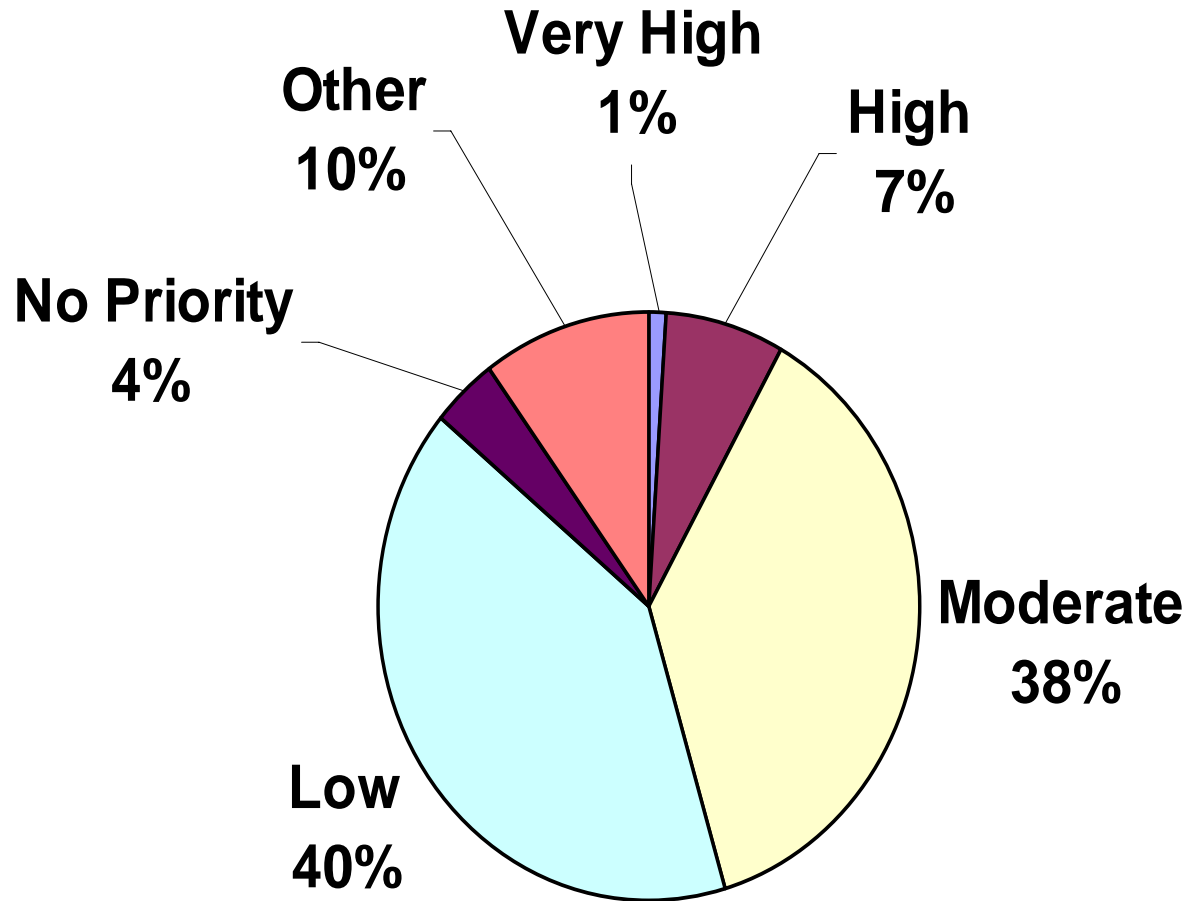






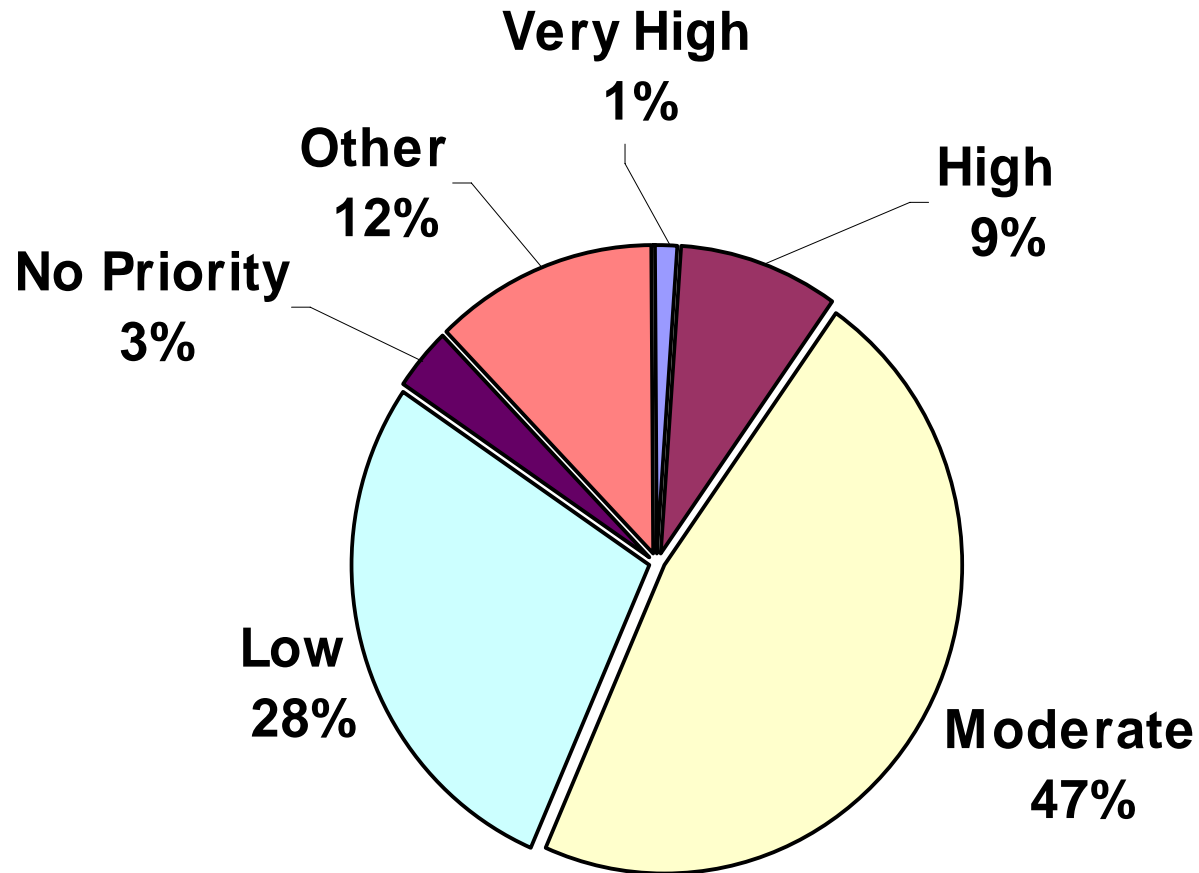


Part 301 Complaints by Priority 2002 - 2006



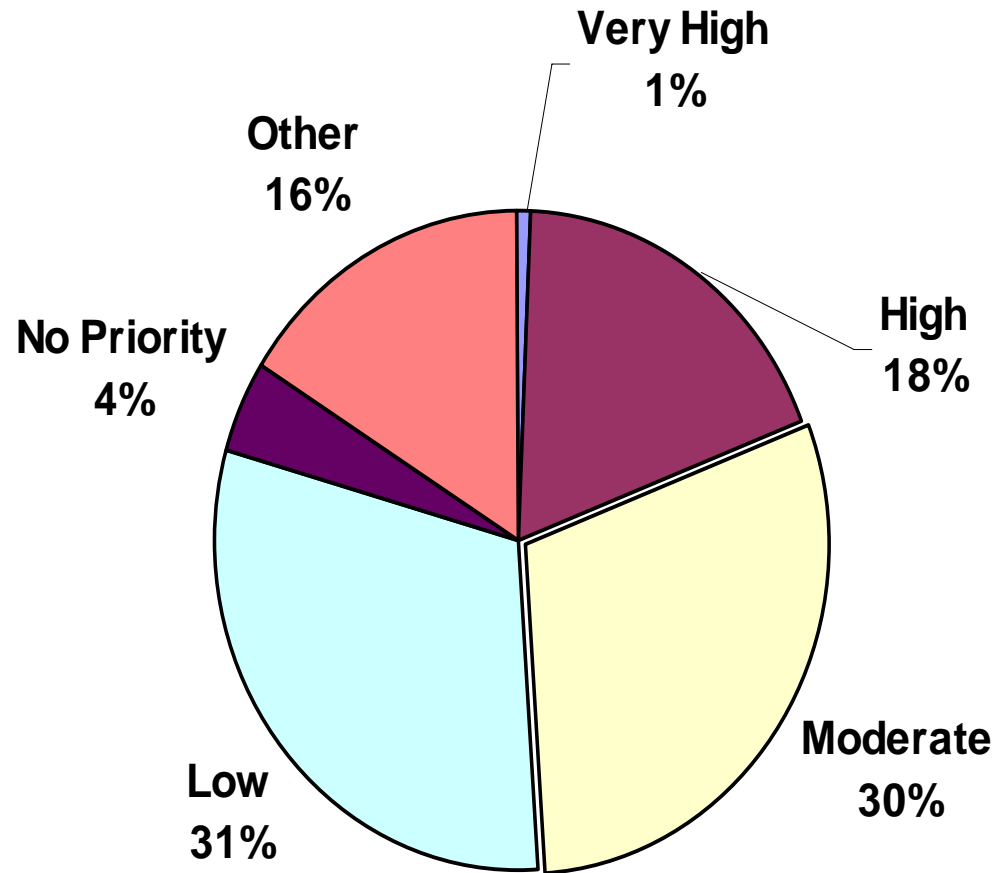
Part 303 Complaints by Priority

2002 - 2006



Part 325 Complaints by Priority

2002 - 2006



Complaint Inspection and Evaluation

Complaint Inspections:

1. Evaluation for Presence of Statutory Violations.
2. Document Resource Impacts. Dimensions, photos, resources impacted
3. Options for Compliance with statutory requirements.

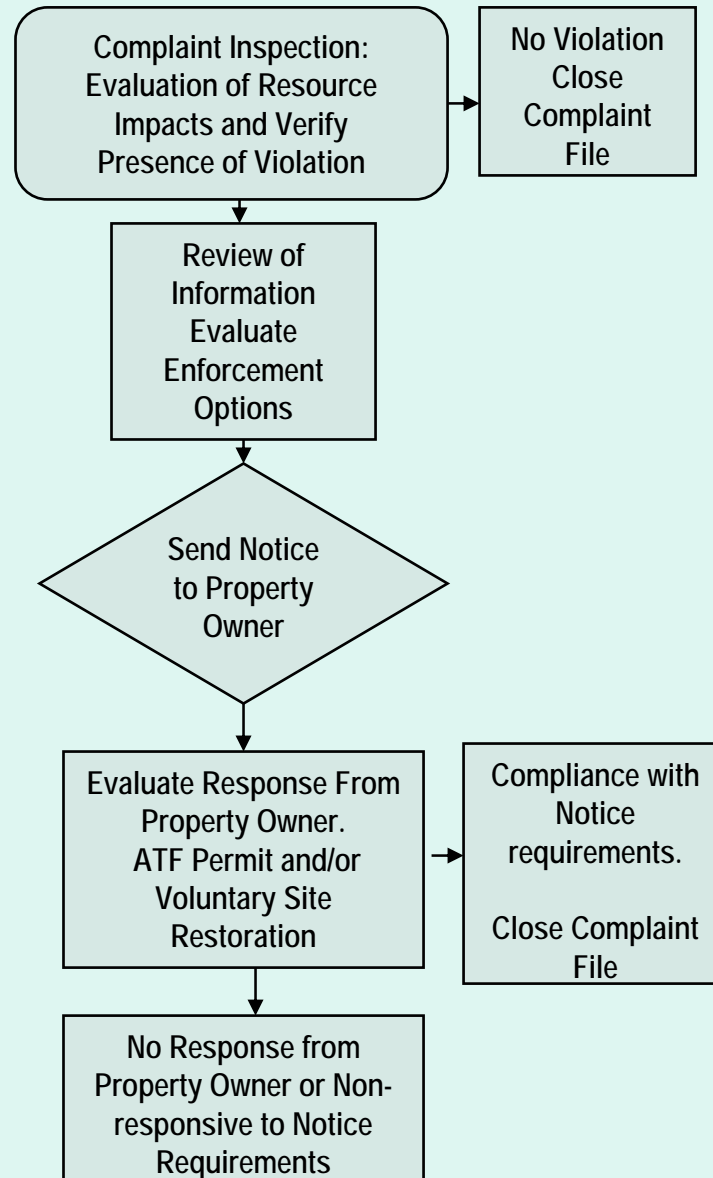
Enforcement Options:

Notice of Civil Liability:
Impacts very minor,
restoration not required.

Notice of Violation:
Notice of property owner
of statutory violation.

After-the-Fact Permit:
minor impacts that would
have been permitted if
applied for by owner.

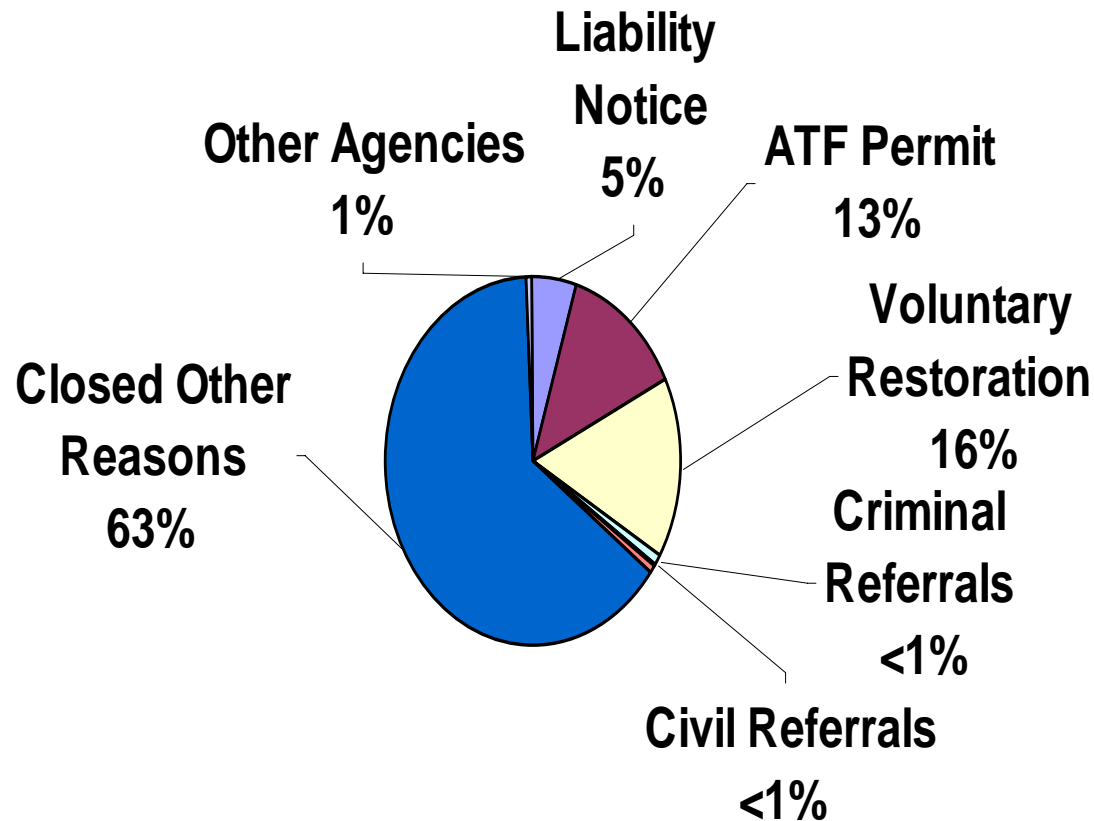
Order to Restore: Not a
permissible project.



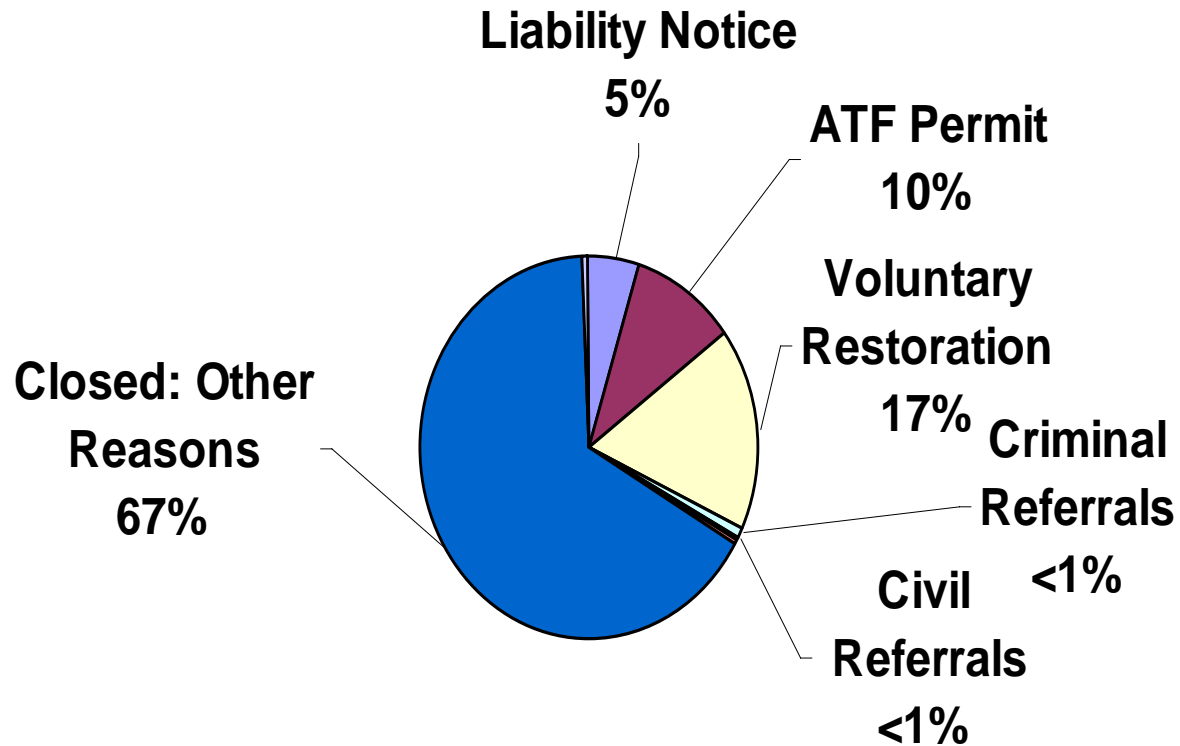
Enforcement Options

- Verbal Warning
- Civil Liability Notice
- Notice of Violation
 - ATF Permit
 - Voluntary Restoration
- Settlement Agreement
- Escalated Action
 - Criminal Prosecution
 - Civil Litigation

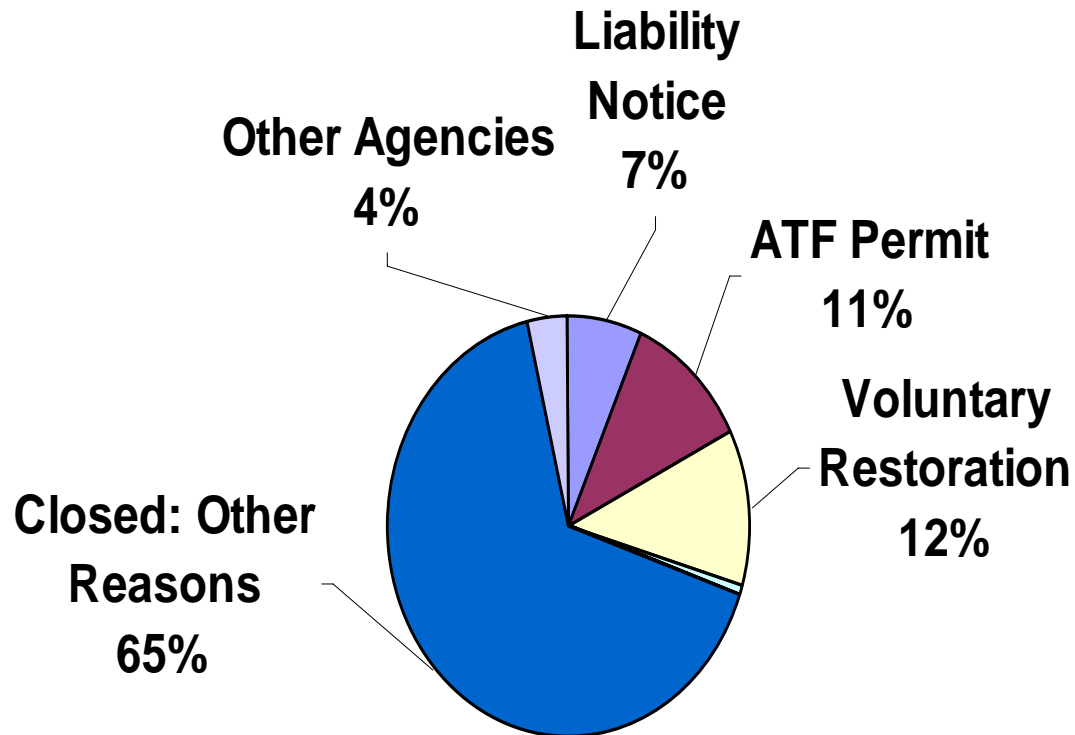
Part 301 Enforcement Actions



Part 303 Enforcement Actions



Part 325 Enforcement Actions



- **Recent Enhancements to Program**

- **Compliance and Enforcement Unit:**
 - Supervisor**
 - » **1 Lansing Staff**
 - » **3 District Enforcement Staff**
- **2004 EPA Program Development Grant**
 - **One additional Lansing Program Staff (2-years: \$142,500)**
 - **Staff and AG Support for Civil Litigation Cases**
 - **Voluntary Settlement Assistance and Consistency**
 - **Database Improvements**
 - **Staff Enforcement Training**
- **2005 Michigan Section 404 Demonstration Grant**
 - **Three District Enforcement Staff (3-years: \$900,00)**
 - **Three District Area**
 - **High and Very High Priority Cases**
 - **Coordination with OCI, County Prosecutors**
 - **Multimedia Cases**
 - **More timely response for non-compliance activities**
 - **Permit Compliance**
 - **District Staff Enforcement Assistance**

LAND AND WATER MANAGEMENT DIVISION

CONTESTED CASE HEARINGS

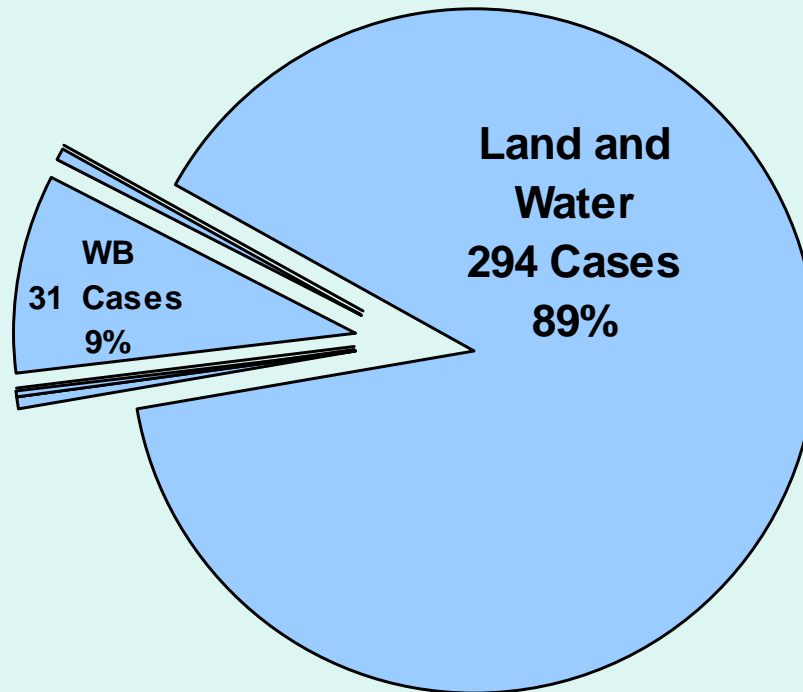
Part 301: Inland Lakes and Streams

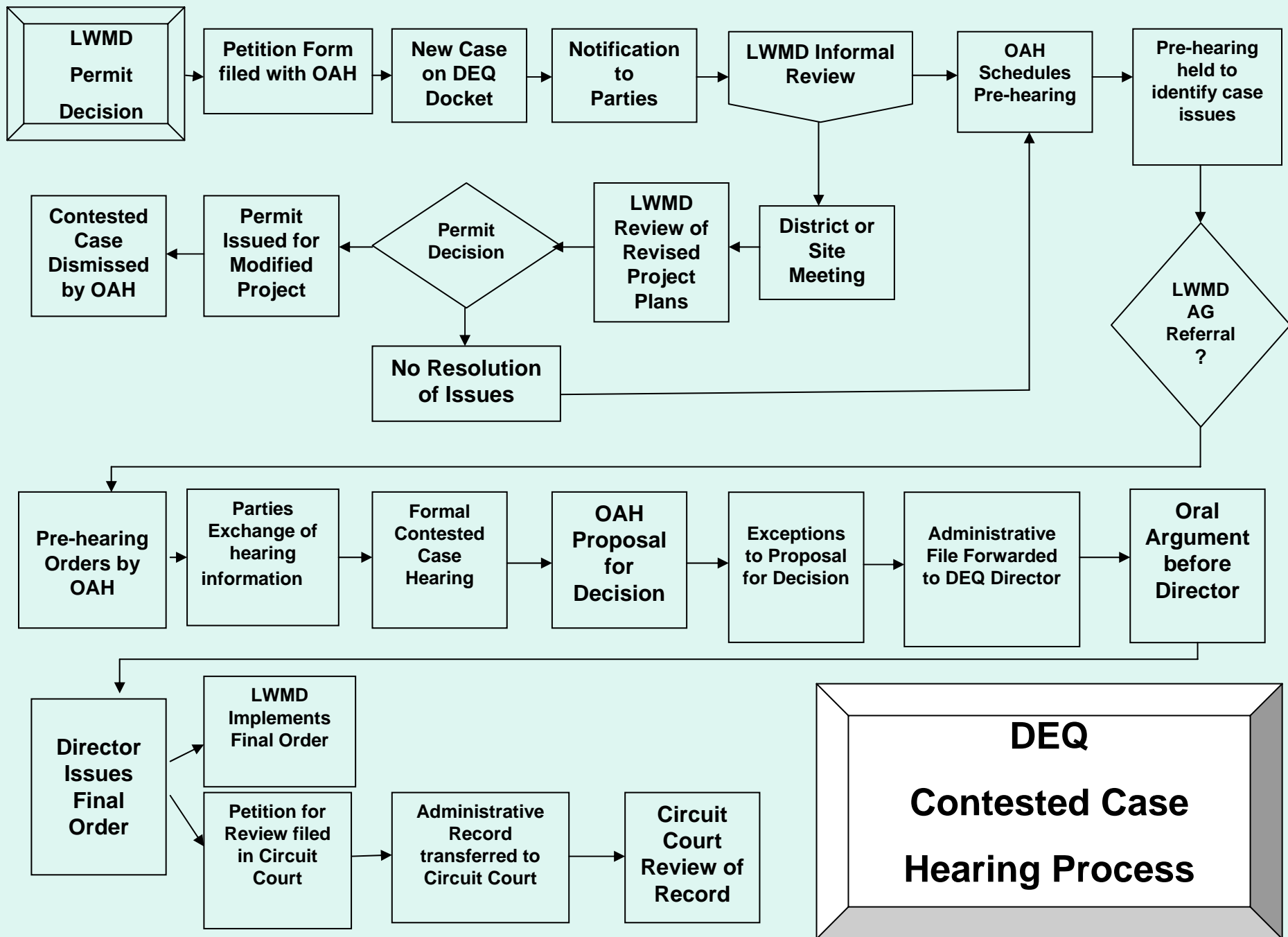
MCL 30110(2): *If a person is aggrieved by any action or inaction of the department, he or she may request a formal hearing on the matter involved. The hearing shall be conducted by the commission in accordance with the provisions for contested cases in the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.*

DEQ CONTESTED CASE DOCKET

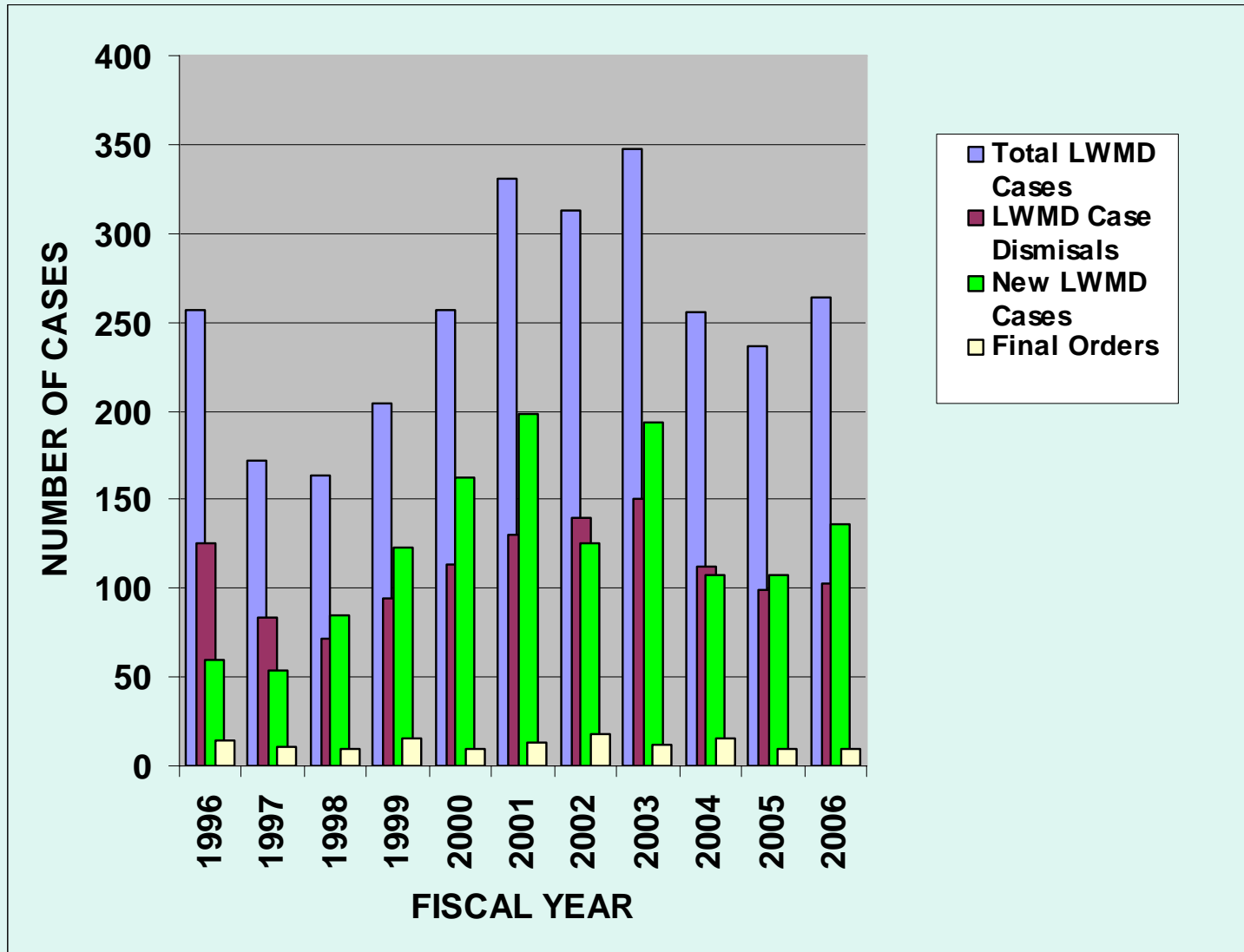
August 20, 2007

Total Docket: 330 Cases





LWMD Contested Cases 1996 - 2006



LWMD Contested Cases by Program

August 20 , 2007

